IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 29444 of 2006(E)
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PETITIONER:
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JOGY SIMON, S/O. LATE T.V.SIMON,
AGED 38 YEARS, THOLATH HOUSE, CHALLISSERY P.O.,
PIN-679536, PALAKKAD DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. INDIAN BANK,
CIRCLE OFFICE, B.NO.3575, 38/1672 B AND C,
CHITTOOR ROAD, PULLEPPADI JUNCTION, ERNAKULAM-35,
REPRESENTED BY CHIEF MANAGER.

2. INDIAN BANK,
KUNNAMKULAM BRANCH, WADAKKANCHERY ROAD,
KUNNAMKULAM P.O., THRISSUR DISTRICT.

BY ADV. SRI.S.EASWARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER OF OTS DATED 25.10.2004 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THELAWYER NOTICE DATED 29.06.2005 SEND BY THE RESPONDENT TO THE PETITIONER.

EXT.P3: TRUE COPY OF THE LETTER DATED 31.08.98 SUBMITTED BY LATE T.V. SIMON ON 31.08.1998.

EXT.P4: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER BEFORE THE DRT ERNAKULAM IN O.A. NO. 255/05 DATED 17.02.2006.

EXT.P5: TRUE COPY OF THE NOTICE SENT BY THE RESPONDENT BANK ON 31.03.2006 TO THE PETITIONER.

EXT.P6: TRUE COPY OF THE POSSESSION NOTICE DATED 23.09.2006 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P7: TRUE COPY OF THE REQUEST LETTER DATED 07.10.2006 SUBMITTED BY THE PETITIONER TO THE RESPONDENT BANK.

/True Copy/

P.A to Judge.

**KURIAN JOSEPH , J**

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**W.P.(C) NO. 29444 OF 2006**

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**Dated this the 19th day of July, 2007.**

**JUDGMENT**

The writ petition is filed with the following prayers:

i. To issue a writ of mandamus directing the respondent bank to restore the settlement already entered into between the petitioner and the respondent on 27.10.2004 for an amount of Rs.76,54,800/- and permit petitioner to remit the balance OTS amount of Rs.60,24,800 within a reasonable time by revival of the said OTS dated 27.10.2004.

ii. issue a writ of mandamus directing the respondents to consider and dispose of Exhibit P7 request dated 07.10.2006 taking into account the amount remitted by the petitioner, ie., Rs.16.30 lakhs and balance OTS amount of Rs.60,24,800/-.

2. There will be a direction to the 1st respondent to consider Ext.P7 with notice to the petitioner and pass appropriate orders thereon, in accordance with law, on the petitioner producing a copy of this judgment before the 1st respondent, in any case before the sale of the property, if sale has not already taken place.

The writ petition is disposed of accordingly.

**KURIAN JOSEPH, JUDGE.**

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